

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**Re: LAST WILL & TESTAMENT OF
JAMES JAY BRYAN**

PLAINTIFF

vs.

No. 1:07-cv-86-SA-JAD

JAMIE RATTI, et al.

DEFENDANTS

ORDER GRANTING UNOPPOSED MOTION TO REMAND

Presently before the court is the Defendant Kansas City Life Insurance's unopposed Motion to Remand. Upon due consideration, the Court finds that the Motion should be granted.

Denise Bryan filed a petition to probate in the Chancery Court of Tishomingo County on July 19, 2006. Subsequently, the Defendant Jamie Ratti filed a Notice of Removal on April 13, 2007, and the action was removed to this Court on the basis of federal diversity jurisdiction. Thereafter, the Defendant Kansas City Life Insurance filed the Motion to Remand. The Plaintiff does not oppose the Defendant's Motion to Remand.

Given the unopposed nature of the Defendant's motion, the Court finds that the case should be remanded to state court. *See* UNIF. LOCAL RULE 7.2(C)(2) (2004) (unopposed motions, other than those for summary judgment, may be granted on that basis alone). Accordingly, the court finds that the Defendant's Motion to Remand should be granted, and the pending case be remanded to the Chancery Court of Tishomingo County for ultimate resolution.

THEREFORE, it is hereby **ORDERED** that:

- (1) the Defendant's unopposed motion to remand (docket entry 10) is **GRANTED**; and
- (2) the case is hereby **REMANDED** to the Chancery Court of Tishomingo County, Mississippi.

SO ORDERED, this the 19th day of November 2007.

/s/ Sharion Aycock
UNITED STATES DISTRICT COURT